

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PATH SOLUTION, LLC,

Plaintiff,

v.

SENTINEL INSURANCE COMPANY,
LIMITED,

Defendant.

CIVIL ACTION NO.

1:13-cv-4271-JEC

ORDER

This case is before the Court on plaintiff's Motion to Dismiss Without Prejudice [23] and plaintiff's Motion for Leave to Amend its Complaint to Add The Jackson LeBlanc Agency, LLC, and Michael Jackson as a Party Defendants [27]. Defendant filed no opposition to plaintiff's motion to dismiss, but opposes plaintiff's motion for leave to amend complaint to add defendants [33].

Plaintiff's motion to dismiss without prejudice arose because plaintiff determined that its complaint had to be amended to add defendants whose presence in the litigation would destroy federal diversity jurisdiction. As noted, defendant did not oppose this motion. Because defendant refused to stipulate to this dismissal, however, plaintiff subsequently filed a motion to amend the complaint to add these defendants, noting that the grant of this motion would

divest the Court of subject matter jurisdiction. Aware that the grant of this motion would divest the Court of jurisdiction, defendant opposed any grant of the motion to dismiss until plaintiff had complied with defendant's request for discovery as to defendant's own counter-claims.

The Court **GRANTS** plaintiff's Motion for Leave to Amend its Complaint to Add The Jackson LeBlanc Agency, LLC, and Michael Jackson as a Party Defendants [27]. As both parties agree, this action now means that there is no longer diversity jurisdiction and the Court must therefore dismiss the case without prejudice to plaintiff's right to refile in state court, which it now does. Plaintiff's Motion to Dismiss Without Prejudice [23] is **DENIED as moot**. Defendant will be free to file any appropriate motion to compel should plaintiff not comply with discovery upon its refiling of the case in state court. The Clerk shall close this case.

SO ORDERED, this 17th day of June, 2014.

/s/ Julie E. Carnes
JULIE E. CARNES
CHIEF UNITED STATES DISTRICT JUDGE